
STATUTORY INSTRUMENTS

2012 No. 2677

The Child Support Maintenance Calculation Regulations 2012

PART 3

DECISION MAKING

CHAPTER 3

SUPERSESSION

Grounds for supersession

17.—(1) A decision mentioned in section 17(1) of the 1991 Act ^{M1} may be superseded by a decision of the Secretary of State, on an application or on the Secretary of State's own initiative, where—

- (a) there has been a relevant change of circumstances since the decision had effect or it is expected that a relevant change of circumstances will occur;
- (b) the decision was made in ignorance of, or was based on a mistake as to, some material fact; or
- (c) the decision was wrong in law (unless it was a decision made on appeal).

(2) The circumstances in which a decision may be superseded include where the relevant change of circumstances causes the maintenance calculation to cease by virtue of paragraph 16 of Schedule 1 to the 1991 Act ^{M2} or where the Secretary of State no longer has jurisdiction by virtue of section 44 of that Act.

(3) A decision may be superseded by a decision made by the Secretary of State where the Secretary of State receives an application for the supersession of a decision by way of an application under section 28G of the 1991 Act (application for a variation where a maintenance calculation is in force).

(4) A decision may not be superseded in circumstances where it may be revised.

(5) A decision to refuse an application for a maintenance calculation may not be superseded.

(6) In making a supersession decision under section 17(1) of the 1991 Act, the Secretary of State need not consider any issue that is not raised by the application or, as the case may be, did not cause the decision to be made on the Secretary of State's own initiative.

(7) This regulation is subject to any provision in Chapter 4 of this Part (updating gross weekly income) relating to the circumstances in which a supersession decision may be made.

Commencement Information

- II** Reg. 17 wholly in force; reg. 17 not in force at made date; reg. 17 in force at 29.7.2013 for certain purposes and reg. 17 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and [S.I. 2013/2947](#)

Marginal Citations

- M1** Section 17(1) was substituted by section 41 of the [Social Security Act 1998 \(c. 14\)](#) and amended by section 9(1) and (2) of, and Schedule 9 to, the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#) (“the 2000 Act”), Schedule 8 to the [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#) (“the 2008 Act”) and [S.I. 2008/2833](#). The decisions mentioned in section 17 are: a maintenance calculation; an interim maintenance decision; a default maintenance decision or a supersession (whether as originally made or revised); a decision of a First-tier tribunal made on appeal under section 20 or on a variation referred under section 28D of the 1991 Act; a decision of an Upper Tribunal on appeal from the First-tier Tribunal.
- M2** Paragraph 16 was amended by section 1(2) of, and paragraph 11(1), (2) and (22)(c)(i) of Schedule 3 to, the 2000 Act; there are other amendments not relevant to these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Child Support Maintenance Calculation Regulations 2012, Section 17.